

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1392

Introduced by Dw. Pedersen, 39

Read first time January 20, 2000

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to juveniles; to amend sections 43-245, 43-250,
2 43-251, 43-251.01, 43-253, 43-254, 43-258, 43-259,
3 43-272.01, 43-276, 43-284, 43-286, 43-290, 43-2,101,
4 43-2,129, 43-403, 43-413, 43-2412, and 83-4,125, Reissue
5 Revised Statutes of Nebraska; to adopt the Nebraska
6 County Juvenile Services Plan Act; to define terms; to
7 require risk assessment for detention and type of
8 detention; to change placement and transportation cost
9 provisions; to harmonize provisions; to provide operative
10 dates; to repeal the original sections; and to declare an
11 emergency.

12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 10 of this act shall be known
2 and may be cited as the Nebraska County Juvenile Services Plan Act.

3 Sec. 2. For purposes of the Nebraska County Juvenile
4 Services Plan Act, the definitions shall be the same as those
5 provided in sections 43-245 and 43-403.

6 Sec. 3. (1) It is the intent of the Legislature to
7 encourage counties to develop a continuum of nonsecure detention
8 services for the purpose of enhancing, developing, and expanding
9 the availability of such services to juveniles requiring nonsecure
10 detention.

11 (2) A county may enhance, develop, or expand nonsecure
12 detention services as needed with private or public providers.
13 Grants under the Juvenile Services Act and the federal Juvenile
14 Justice and Delinquency Prevention Act may be used to fund
15 nonsecure detention services. Each county shall routinely review
16 services provided by contract providers and modify services as
17 needed.

18 Sec. 4. (1) Each county shall develop a county juvenile
19 services plan by January 1, 2003. Two or more counties may
20 establish a multicounty juvenile services plan. Such plan should
21 include input from individuals comprising a local juvenile justice
22 advisory committee as provided for in subdivision (1) of section 6
23 of this act or a similar committee or group of individuals. The
24 plan shall be submitted to the Commission on Law Enforcement and
25 Criminal Justice and shall include:

26 (a) Identification of the risk factors for delinquency
27 that exist in the county or counties and service needs;

28 (b) Identification of juvenile services available within

1 the county or counties, including, but not limited to, programs for
2 assessment and evaluation, the prevention of delinquent behavior,
3 diversion, detention, shelter care, intensive juvenile probation
4 services, restitution, family support services, and community
5 centers for the care and treatment of juveniles in need of
6 services;

7 (c) Identification of juvenile services within close
8 proximity of the county or counties that may be utilized if
9 community-based programs are not available within the county or
10 counties;

11 (d) Identification of the facility the county primarily
12 uses for juvenile secure detention and for nonsecure detention; and

13 (e) A coordination plan and an enhancement, development,
14 and expansion plan of community services within the county,
15 counties, or region to help prevent delinquency by providing
16 intervention services when behavior that leads to delinquency is
17 first exhibited. Examples of intervention services include, but
18 are not limited to, alternative schools, school truancy programs,
19 volunteer programs, family preservation and counseling, drug and
20 alcohol counseling, diversion programs, and parents anonymous.

21 (2) Following or in conjunction with the development of a
22 county juvenile services plan, each county may develop regional
23 service plans and establish regional juvenile services boards when
24 appropriate.

25 Sec. 5. It is the intent of the Legislature to encourage
26 counties to enhance, develop, or expand local diversion programs as
27 a means of diverting juveniles from formal involvement with the
28 court. Diversion programs should be designed to divert juveniles

1 that need some sanction or supervision in the community but do not
2 necessarily need to be formally processed through the juvenile
3 court. Diversion guidelines recommended by the Juvenile Services
4 Grant Committee pursuant to section 43-2412 may be used. Local
5 juvenile justice systems are also encouraged to use mediation as a
6 means of diverting juveniles from the formal court process as
7 provided in sections 43-274 to 43-276 and 43-286.

8 Sec. 6. Each county may:

9 (1) Establish a local juvenile justice advisory committee
10 for the purpose of meeting quarterly to discuss trends and issues
11 related to juvenile offenders and service needs. Such committee
12 should include representation from the courts, law enforcement,
13 community service providers, schools, detention or shelter care,
14 county elected and administrative officials, probation officials,
15 health and human services representatives, and state officials or
16 agency representatives. The committee should discuss state and
17 local policy initiatives, use of detention and other regional
18 services, commitment to state custody, and impacts of policy
19 initiatives and trends on county juvenile justice systems.
20 Notwithstanding any other provision of law regarding the
21 confidentiality of records, information from the various
22 representative agencies can be shared about juveniles under their
23 supervision for the purposes of this subdivision. The information
24 shared shall be in the form of statistical data which does not
25 disclose the identity of any particular individual;

26 (2) Collect and review data on an ongoing basis to
27 understand the service needs of the juvenile offender population;
28 and

1 (3) Compile, review, and forward county level data
2 collected pursuant to section 7 of this act.

3 Sec. 7. County level data on juveniles shall be
4 maintained and compiled by the Commission on Law Enforcement and
5 Criminal Justice on arrest rates; petition rates; detention and
6 shelter care admission rates and utilization; offender profile
7 data, such as offense, race, age, sex, and educational and
8 treatment needs; costs for juvenile services; admissions to staff
9 secure and holdover facilities; and other program and service
10 areas.

11 Sec. 8. It is the intent of the Legislature to:

12 (1) Encourage direct future budget expansion for juvenile
13 services into community-based nonsecure detention services rather
14 than secure detention facilities;

15 (2) Appropriate additional funding under the Juvenile
16 Services Act to provide grants for community-based nonsecure
17 detention services and to increase the number of nonsecure
18 residential detention services as a cost-effective way of diverting
19 juveniles from secure detention facilities and state custody;

20 (3) Expand funding for the Office of Juvenile Services to
21 develop additional community-based nonsecure detention services for
22 juveniles in state custody;

23 (4) Increase the number of juvenile probation officers to
24 ensure adequate supervision, develop more specialization relating
25 to juvenile probation, and develop a funding allocation for
26 nonsecure detention services to supplement probation supervision,
27 including, but not limited to, tracker services, counseling, home
28 detention, electronic monitoring, and educational assessments;

1 (5) Increase funding for child welfare and mental health
2 services for purposes of expanding services for juveniles and their
3 families in need of services; and

4 (6) Enhance, develop, and expand secure detention
5 facilities and nonsecure detention services available to reduce the
6 overcrowding at the Kearney and Geneva youth rehabilitation and
7 treatment centers.

8 Sec. 9. It is the intent of the Legislature to encourage
9 coordination and communication among state and local agencies
10 involved with juvenile offenders, including, but not limited to,
11 the Office of Probation Administration, the Office of Juvenile
12 Services, schools, the Department of Health and Human Services, law
13 enforcement, and service provider agencies.

14 Sec. 10. (1) The Legislature finds that there is a need
15 for additional secure detention for juveniles in the state. The
16 need can be met by enhancing and expanding the existing secure
17 detention facilities as needed in the future and by constructing
18 two new thirty-bed juvenile detention facilities. The two new
19 facilities should serve the southeastern, central, and west central
20 areas of the state.

21 (2) The Legislature encourages counties in the
22 southeastern and west central areas of the state to construct and
23 operate two new regional juvenile detention facilities by utilizing
24 a cooperative approach that will best serve the geographic,
25 economic, population, and other factors influencing the juvenile
26 detention needs of the counties.

27 Sec. 11. Section 43-245, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 43-245. For purposes of the Nebraska Juvenile Code,
2 unless the context otherwise requires:

3 (1) Age of majority means nineteen years of age;

4 (2) Approved center means a center that has applied for
5 and received approval from the Director of the Office of Dispute
6 Resolution under section 25-2909;

7 (3) Cost or costs means (a) the sum or equivalent
8 expended, paid, or charged for goods or services, or expenses
9 incurred, or (b) the contracted or negotiated price;

10 (4) Juvenile means any person under the age of eighteen;

11 (5) Juvenile court means the separate juvenile court
12 where it has been established pursuant to sections 43-2,111 to
13 43-2,127 and the county court sitting as a juvenile court in all
14 other counties. Nothing in the Nebraska Juvenile Code shall be
15 construed to deprive the district courts of their habeas corpus,
16 common-law, or chancery jurisdiction or the county courts and
17 district courts of jurisdiction of domestic relations matters as
18 defined in section 25-2740;

19 (6) Juvenile detention facility has the same meaning as
20 in section 83-4,125;

21 (7) Mediator for juvenile offender and victim mediation
22 means a person who (a) has completed at least thirty hours of
23 training in conflict resolution techniques, neutrality, agreement
24 writing, and ethics set forth in section 25-2913, (b) has an
25 additional eight hours of juvenile offender and victim mediation
26 training, and (c) meets the apprenticeship requirements set forth
27 in section 25-2913;

28 (8) Mental health facility means a mental health center

1 as defined in section 83-1006 or a government, private, or state
2 hospital which treats mental illness;

3 (9) Nonoffender means a juvenile who is subject to the
4 jurisdiction of the juvenile court for reasons other than legally
5 prohibited conduct, including, but not limited to, juveniles
6 described in subdivision (3)(a) of section 43-247;

7 (10) Nonsecure detention means detention characterized by
8 the absence of restrictive hardware, construction, and procedure.
9 Nonsecure detention services include, but are not limited to: Home
10 detention, electronic monitoring, day reporting, drug court,
11 community service, restitution payment, tracking and monitoring
12 supervision, school-based programs, truancy programs, volunteer
13 programs, staff secure and temporary holdover facilities, group
14 homes, foster care, and professional parenting homes;

15 ~~(10)~~ (11) Parent means one or both parents or a
16 stepparent when such stepparent is married to the custodial parent
17 as of the filing of the petition;

18 ~~(11)~~ (12) Parties means the juvenile as described in
19 section 43-247 and his or her parent, guardian, or custodian;

20 ~~(12)~~ (13) Except in proceedings under the Nebraska Indian
21 Child Welfare Act, relative means father, mother, grandfather,
22 grandmother, brother, sister, stepfather, stepmother, stepbrother,
23 stepsister, uncle, aunt, first cousin, nephew, or niece;

24 (14) Secure detention means detention in a highly
25 structured residential hardware-secured facility designed to
26 restrict a juvenile's movement. Secure detention facilities
27 include the secure youth confinement facility operated by the
28 Department of Correctional Services, the youth rehabilitation and

1 treatment centers operated by the Office of Juvenile Services, and
2 juvenile detention facilities operated by political subdivisions;

3 ~~(13)~~ (15) Status offender means a juvenile who has been
4 charged with or adjudicated for conduct which would not be a crime
5 if committed by an adult, including, but not limited to, juveniles
6 charged under subdivision (3)(b) of section 43-247 and sections
7 53-180.01 and 53-180.02; and

8 ~~(14)~~ (16) Traffic offense means any nonfelonious act in
9 violation of a law or ordinance regulating vehicular or pedestrian
10 travel, whether designated a misdemeanor or a traffic infraction.

11 Sec. 12. Section 43-250, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-250. An officer who takes a juvenile into temporary
14 custody under section 43-248 shall immediately take reasonable
15 measures to notify the juvenile's parent, guardian, custodian, or
16 relative. If the need for continued detention of the juvenile is
17 at issue, the officer shall have a risk assessment done as provided
18 in section 15 of this act. The officer shall then and shall
19 proceed under the appropriate options as follows:

20 (1) The officer shall release such juvenile;

21 (2) The officer shall prepare in triplicate a written
22 notice requiring the juvenile to appear before the juvenile court
23 or probation officer of the county in which such juvenile was taken
24 into custody at a time and place specified in the notice or at the
25 call of the court. The notice shall also contain a concise
26 statement of the reasons such juvenile was taken into custody. The
27 officer shall deliver one copy of the notice to such juvenile and
28 require such juvenile or his or her parent, guardian, other

1 custodian, or relative, or both, to sign a written promise that
2 such signer will appear at the time and place designated in the
3 notice. Upon the execution of the promise to appear, the officer
4 shall immediately release such juvenile. The officer shall, as
5 soon as practicable, file one copy of the notice with the county
6 attorney and, when required by the juvenile court, also file a copy
7 of the notice with the juvenile court, the officer appointed by the
8 court for such purpose, or the probation officer;

9 (3) The officer shall take such juvenile without
10 unnecessary delay before the juvenile court or probation officer of
11 the county in which such juvenile was taken into custody and
12 deliver the custody of such juvenile to the juvenile court or
13 probation officer. When secure ~~custody~~ detention of a juvenile is
14 necessary, such ~~custody~~ detention shall occur within a juvenile
15 detention facility except:

16 (a) When a juvenile described in subdivision (1) or (2)
17 of section 43-247, except for a status offender, is taken into
18 temporary custody within a metropolitan statistical area and where
19 no juvenile detention facility is reasonably available, the
20 juvenile may be delivered, for temporary custody not to exceed six
21 hours, to a secure area of a jail or other facility intended or
22 used for the detention of adults solely for the purposes of
23 identifying the juvenile and ascertaining his or her health and
24 well-being and for safekeeping while awaiting transport to an
25 appropriate juvenile placement or release to a responsible party;

26 (b) When a juvenile described in subdivision (1) or (2)
27 of section 43-247, except for a status offender, is taken into
28 temporary custody outside of a metropolitan statistical area and

1 where no juvenile detention facility is reasonably available, the
2 juvenile may be delivered, for temporary custody not to exceed
3 twenty-four hours excluding nonjudicial days and while awaiting an
4 initial court appearance, to a secure area of a jail or other
5 facility intended or used for the detention of adults solely for
6 the purposes of identifying the juvenile and ascertaining his or
7 her health and well-being and for safekeeping while awaiting
8 transport to an appropriate juvenile placement or release to a
9 responsible party;

10 (c) Whenever a juvenile is held in a secure area of any
11 jail or other facility intended or used for the detention of
12 adults, there shall be no verbal, visual, or physical contact
13 between the juvenile and any incarcerated adult and there shall be
14 adequate staff to supervise and monitor the juvenile's activities
15 at all times. This subdivision shall not apply to a juvenile
16 charged with a felony as an adult in county or district court if he
17 or she is sixteen years of age or older;

18 (d) If a juvenile is under sixteen years of age or is a
19 juvenile as described in subdivision (3) of section 43-247, he or
20 she shall not be placed within a secure area of a jail or other
21 facility intended or used for the detention of adults;

22 (e) If, within the time limits specified in subdivision
23 (3)(a) or (3)(b) of this section, a felony charge is filed against
24 the juvenile as an adult in county or district court, he or she may
25 be securely held in a jail or other facility intended or used for
26 the detention of adults beyond the specified time limits;

27 (f) A status offender or nonoffender taken into temporary
28 custody shall not be held in a secure area of a jail or other

1 facility intended or used for the detention of adults. A status
2 offender accused of violating a valid court order may be securely
3 detained in a juvenile detention facility longer than twenty-four
4 hours if he or she is afforded a detention hearing before a court
5 within twenty-four hours, excluding nonjudicial days, and if, prior
6 to a dispositional commitment to secure placement, a public agency,
7 other than a court or law enforcement agency, is afforded an
8 opportunity to review the juvenile's behavior and possible
9 alternatives to secure placement and has submitted a written report
10 to the court; and

11 (g) A juvenile described in subdivision (1) or (2) of
12 section 43-247, except for a status offender, may be held in a
13 secure area of a jail or other facility intended or used for the
14 detention of adults for up to six hours before and six hours after
15 any court appearance;

16 (4) When a juvenile is taken into temporary custody
17 pursuant to subdivision (3) or (4) of section 43-248, the officer
18 may deliver the custody of such juvenile to the Department of
19 Health and Human Services which shall make a temporary placement of
20 the juvenile in the least restrictive environment consistent with
21 the best interests of the juvenile as determined by the department.
22 The department shall supervise such placement and, if necessary,
23 consent to any necessary emergency medical, psychological, or
24 psychiatric treatment for such juvenile. The department shall have
25 no other authority with regard to such temporary custody until or
26 unless there is an order by the court placing the juvenile in the
27 custody of the department. If the officer delivers temporary
28 custody of the juvenile pursuant to this subdivision, the officer

1 shall make a full written report to the county attorney within
2 twenty-four hours of taking such juvenile into temporary custody.
3 If a court order of temporary custody is not issued within
4 forty-eight hours of taking the juvenile into custody, the
5 temporary custody by the department shall terminate and the
6 juvenile shall be returned to the custody of his or her parent,
7 guardian, custodian, or relative; or

8 (5) If the officer takes the juvenile into custody
9 pursuant to subdivision (4) of section 43-248, the officer may
10 place the juvenile at a mental health facility for evaluation and
11 emergency treatment or may deliver the juvenile to the Department
12 of Health and Human Services pursuant to subdivision (4) of this
13 section. At the time of the admission or turning the juvenile over
14 to the department, the peace officer responsible for taking the
15 juvenile into custody shall execute a written certificate as
16 prescribed by the Department of Health and Human Services which
17 will indicate that the officer believes the juvenile to be mentally
18 ill and dangerous, a summary of the subject's behavior supporting
19 such allegations, and that the harm described in section 83-1009 is
20 likely to occur before proceedings before a juvenile court may be
21 invoked to obtain custody of the juvenile. A copy of the
22 certificate shall be forwarded to the county attorney. The peace
23 officer shall notify the juvenile's parents, guardian, custodian,
24 or relative of the juvenile's placement.

25 In determining the appropriate temporary placement of a
26 juvenile under this section, the officer shall select the placement
27 indicated by a risk assessment as provided in section 15 of this
28 act. ~~which is least restrictive of the juvenile's freedom so long~~

1 as such placement is compatible with the best interests of the
2 juvenile and the safety of the community.

3 Sec. 13. Section 43-251, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-251. (1) When a juvenile is taken into custody
6 pursuant to sections 43-248 and 43-250, the court or magistrate may
7 take any action for preadjudication diversion, mediation,
8 placement, or detention prescribed in the Nebraska Juvenile Code.

9 (2) Any juvenile taken into custody under the Nebraska
10 Juvenile Code for allegedly being mentally ill and dangerous shall
11 not be placed in a jail or detention facility designed for
12 juveniles who are accused of criminal acts or for juveniles as
13 described in subdivision (1), (2), or (4) of section 43-247 either
14 as a temporary placement by a peace officer, as a temporary
15 placement by a court, or as an adjudication placement by the court.

16 Sec. 14. The Office of Juvenile Services shall prepare
17 and distribute a risk assessment instrument for detention which
18 shall be used throughout the state. The risk assessment instrument
19 shall be an evaluation form to be used by peace officers, probation
20 officers, county attorneys, and judges under section 15 of this act
21 to determine if detention of the juvenile is necessary and, if so,
22 whether secure or nonsecure detention is indicated. The instrument
23 shall factor the most serious presenting charge or petitioned
24 offense, any additional presenting charges or petitioned offenses,
25 prior history, legal status, warrants issued for detention,
26 mitigating factors, aggravating factors, and overriding risk
27 factors. The office shall solicit the recommendations of judges,
28 probation officers, county attorneys, and other local juvenile

1 justice officials as to the factors to be incorporated into the
2 risk assessment instrument. The Office of Juvenile Services shall
3 prepare and distribute the risk assessment instrument within ninety
4 days after the effective date of this act.

5 Sec. 15. The need for detention of a juvenile and
6 whether secure or nonsecure detention is indicated shall be
7 determined as follows:

8 (1) The risk assessment instrument shall be used to
9 evaluate the juvenile;

10 (2) If the results indicate that detention is not
11 required, nondetention placement or commitment options shall be
12 pursued;

13 (3) If the results indicate that detention is required,
14 detention at the nonsecure or secure level as indicated by the
15 assessment shall be pursued; and

16 (4) Notwithstanding the results of the risk assessment
17 instrument, a juvenile shall not be released if it appears to the
18 judge or other official in charge of the matter that further
19 detention or placement of such juvenile is a matter of immediate
20 and urgent necessity for the protection of such juvenile or the
21 person or property of another or if it appears that such juvenile
22 is likely to flee the jurisdiction of the court.

23 Sec. 16. Section 43-251.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-251.01. All placements and commitments of juveniles
26 for evaluations or as temporary or final dispositions are subject
27 to the following:

28 (1) A risk assessment as provided in section 15 of this

1 act shall be completed prior to any nonsecure detention or secure
2 detention placement or commitment;

3 (2) No juvenile shall be confined in an adult
4 correctional facility as a disposition of the court;

5 ~~(2)~~ (3) A juvenile who is found to be a juvenile as
6 described in subdivision (3) of section 43-247 shall not be placed
7 in an adult correctional facility, the secure youth confinement
8 facility operated by the Department of Correctional Services, or a
9 youth rehabilitation and treatment center or committed to the
10 Office of Juvenile Services;

11 ~~(3)~~ (4) A juvenile who is found to be a juvenile as
12 described in subdivision (1), (2), or (4) of section 43-247 shall
13 not be assigned or transferred to an adult correctional facility or
14 the secure youth confinement facility operated by the Department of
15 Correctional Services; and

16 ~~(4)~~ (5) A juvenile under the age of twelve years shall
17 not be placed with or committed to a youth rehabilitation and
18 treatment center except as provided in section 43-286.

19 Sec. 17. Section 43-253, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-253. (1) Upon delivery to the juvenile court or
22 probation officer of a juvenile who has been taken into temporary
23 custody under sections 43-248 and 43-250, the court or probation
24 officer shall immediately investigate the situation of the juvenile
25 and the nature and circumstances of the events surrounding his or
26 her being taken into custody. Such investigation may be by hearing
27 on the record before the court or by informal means when
28 appropriate.

1 (2) No juvenile who has been taken into temporary custody
2 under subdivision (3) of section 43-250 shall be detained in any
3 ~~locked~~ secure detention facility for longer than twenty-four hours,
4 excluding nonjudicial days, after having been taken into custody
5 unless such juvenile has appeared personally before a court of
6 competent jurisdiction for a hearing to determine if continued
7 detention is necessary. If continued secure detention ~~in a locked~~
8 ~~facility~~ is ordered, such detention shall be in a juvenile
9 detention facility, except that a juvenile charged with a felony as
10 an adult in county or district court may be held in an adult jail
11 as set forth in subdivision (3)(e) of section 43-250.

12 (3) When the court or probation officer deems it to be in
13 the best interests of the juvenile, the court or probation officer
14 shall immediately release such juvenile to the custody of his or
15 her parent. If the juvenile has both a custodial and a
16 noncustodial parent and the court or probation officer deems that
17 release of the juvenile to the custodial parent is not in the best
18 interests of the juvenile, the court or probation officer shall, if
19 it is deemed to be in the best interests of the juvenile, attempt
20 to contact the noncustodial parent, if any, of the juvenile and to
21 release the juvenile to such noncustodial parent. If such release
22 is not possible or not deemed to be in the best interests of the
23 juvenile, the court or probation officer may release the juvenile
24 to the custody of a legal guardian, a responsible relative, or
25 another responsible person. The court may admit such juvenile to
26 bail by bond in such amount and on such conditions and security as
27 the court, in its sole discretion, shall determine, or the court
28 may proceed as provided in section 43-254.

1 (4) If the need for secure detention of the juvenile is
2 at issue and the risk assessment as provided in section 15 of this
3 act has not been done, the court or probation officer shall follow
4 the procedures outlined in such section. In no case shall the
5 court or probation officer release such juvenile if it appears that
6 further detention or placement of such juvenile is a matter of
7 immediate and urgent necessity for the protection of such juvenile
8 or the person or property of another or if it appears that such
9 juvenile is likely to flee the jurisdiction of the court.

10 Sec. 18. Section 43-254, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-254. Pending the adjudication of any case, if it
13 appears that the need for placement or further detention exists,
14 the juvenile may be (1) placed or detained a reasonable period of
15 time on order of the court in the temporary custody of either the
16 person having charge of the juvenile or some other suitable person,
17 (2) kept in some suitable place provided by the city or county
18 authorities, (3) placed in any proper and accredited charitable
19 institution, (4) placed in a state institution, except any adult
20 ~~penal institution~~ correctional facility, when proper facilities are
21 available and the only local facility is a city or county jail, at
22 the expense of the committing county on a per diem basis as
23 determined from time to time by the head of the particular
24 institution, or (5) placed in the temporary care and custody of the
25 Department of Health and Human Services when it does not appear
26 that there is any need for secure detention. ~~in a locked facility.~~
27 The court may assess the cost of such placement or detention in
28 whole or in part to the parent of the juvenile as provided in

1 section 43-290.

2 If a juvenile has been removed from his or her parent,
3 guardian, or custodian pursuant to subdivision (3) of section
4 43-248, the court may enter an order continuing detention or
5 placement upon a written determination that continuation of the
6 juvenile in his or her home would be contrary to the health,
7 safety, or welfare of such juvenile and that reasonable efforts
8 were made to preserve and reunify the family if required under
9 subsections (1) through (4) of section 43-283.01.

10 Sec. 19. Section 43-258, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-258. (1) Pending the adjudication of any case under
13 the Nebraska Juvenile Code, the court may order the juvenile
14 examined by a physician, surgeon, psychiatrist, duly authorized
15 community mental health service program, or psychologist to aid the
16 court in determining (a) a material allegation in the petition
17 relating to the juvenile's physical or mental condition, (b) the
18 juvenile's competence to participate in the proceedings, (c) the
19 juvenile's responsibility for his or her acts, or (d) whether or
20 not to provide emergency medical treatment.

21 (2) Pending the adjudication of any case under the
22 Nebraska Juvenile Code and after a showing of probable cause that
23 the juvenile is within the court's jurisdiction, for the purposes
24 of subsection (1) of this section, the court may order such
25 juvenile to be placed in one of the facilities or institutions of
26 the State of Nebraska. Such juvenile shall not be placed in an
27 adult correctional facility, the secure youth confinement facility
28 operated by the Department of Correctional Services, or a youth

1 rehabilitation and treatment center. Any placement for evaluation
2 may be made on a residential or nonresidential basis for a period
3 not to exceed thirty days except as provided by section 43-415.
4 The head of any facility or institution shall make a complete
5 evaluation of the juvenile, including any authorized area of
6 inquiry requested by the court.

7 (3) Upon completion of the evaluation, the juvenile shall
8 be returned to the court together with a written report of the
9 results of the evaluation. Such report shall include an assessment
10 of the basic needs of the juvenile and recommendations for
11 continuous and long-term care and shall be made to effectuate the
12 purposes in subdivision (1) of section 43-246.

13 (4)(a) The court may order payment for costs incurred for
14 the evaluation of a juvenile, including transportation costs, under
15 section 43-290. If payment is not ordered under section 43-290,
16 payment shall be made under subdivision (4)(b) of this section.

17 (b) If the juvenile is not held in secure detention or is
18 held in secure detention in accordance with a risk assessment as
19 provided in section 15 of this act, In order to encourage the use
20 of the procedure provided in this section all, costs incurred
21 during the period the juvenile is being evaluated at a state
22 facility or program funded by the Office of Juvenile Services,
23 including transportation costs, shall be the responsibility of the
24 state. If the juvenile is held in secure detention and no risk
25 assessment was done or secure detention was not required by the
26 risk assessment if done, the county is liable for the costs
27 incurred during the period the juvenile is being evaluated at a
28 state facility or program, including transportation costs. After

1 January 1, 2003, if a county does not have a juvenile services plan
2 as required by section 4 of this act, the ~~unless otherwise ordered~~
3 ~~by the court pursuant to section 43-290.~~ The county in which the
4 case is pending rather than the state shall be liable ~~only~~ for the
5 transportation costs of juveniles under this section.

6 (c) For purposes of this section, transportation costs
7 means the cost of delivering the juvenile to the facility or
8 ~~institution program~~ and the cost of returning him or her to the
9 court for disposition.

10 Sec. 20. Section 43-259, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-259. The juvenile, his or her attorney, parent,
13 guardian, or custodian may file a motion to release the juvenile
14 from custody and request a hearing after the initial commitment
15 order for evaluation provided in section 43-258 is entered.
16 Pending the hearing on such application, the juvenile shall remain
17 in custody in such manner as the court determines to be in the best
18 interests of the juvenile, taking into account the results of a
19 risk assessment as provided in section 15 of this act.

20 Sec. 21. Section 43-272.01, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 43-272.01. (1) A guardian ad litem as provided for in
23 subsections (2) and (3) of section 43-272 shall be appointed when a
24 child is removed from his or her surroundings pursuant to
25 subdivision (3) or (4) of section 43-248, subdivision (4) of
26 section 43-250, or section 43-251. If removal has not occurred, a
27 guardian ad litem shall be appointed at the commencement of all
28 cases brought under subdivision (3)(a) or (8) of section 43-247 and

1 section 28-707.

2 (2) In the course of discharging duties as guardian ad
3 litem, the person so appointed shall consider, but not be limited
4 to, the criteria provided in this subsection. The guardian ad
5 litem:

6 (a) Is appointed to stand in lieu of a parent for a
7 protected juvenile who is the subject of a juvenile court petition,
8 shall be present at all hearings before the court in such matter
9 unless expressly excused by the court, and may enter into such
10 stipulations and agreements concerning adjudication and disposition
11 deemed by him or her to be in the juvenile's best interests;

12 (b) Is not appointed to defend the parents or other
13 custodian of the protected juvenile but shall defend the legal and
14 social interests of such juvenile. Social interests shall be
15 defined generally as the usual and reasonable expectations of
16 society for the appropriate parental custody and protection and
17 quality of life for juveniles without regard to the socioeconomic
18 status of the parents or other custodians of the juvenile;

19 (c) May at any time after the filing of the petition move
20 the court of jurisdiction to provide medical or psychological
21 treatment or evaluation as set out in section 43-258. The guardian
22 ad litem shall have access to all reports resulting from any
23 examination ordered under section 43-258, and such reports shall be
24 used for evaluating the status of the protected juvenile;

25 (d) Shall make every reasonable effort to become familiar
26 with the needs of the protected juvenile which (i) shall include
27 consultation with the juvenile within two weeks after the
28 appointment and once every six months thereafter and inquiry of the

1 most current caseworker, foster parent, or other custodian and (ii)
2 may include inquiry of others directly involved with the juvenile
3 or who may have information or knowledge about the circumstances
4 which brought the juvenile court action or related cases and the
5 development of the juvenile, including biological parents,
6 physicians, psychologists, teachers, and clergy members;

7 (e) May present evidence and witnesses and cross-examine
8 witnesses at all evidentiary hearings;

9 (f) Shall be responsible for making recommendations to
10 the court regarding the temporary and permanent placement of the
11 protected juvenile and shall submit a written report to the court
12 at every dispositional or review hearing, or in the alternative,
13 the court may provide the guardian ad litem with a checklist that
14 shall be completed and presented to the court at every
15 dispositional or review hearing;

16 (g) Shall consider such other information as is warranted
17 by the nature and circumstances of a particular case; and

18 (h) May file a petition in the juvenile court on behalf
19 of the juvenile, including a supplemental petition as provided in
20 section 43-291.

21 (3) Nothing in this section shall operate to limit the
22 discretion of the juvenile court in protecting the best interests
23 of a juvenile who is the subject of a juvenile court petition.

24 (4) For purposes of subdivision (2)(d) of this section:

25 (a) The court may order the expense of such consultation, if
26 any, to be paid by the Office of Juvenile Services or, if after
27 January 1, 2003, the county in which the juvenile court action is
28 brought does not have a juvenile services plan as required by

1 section 4 of this act, the court shall order the expense of such
2 consultation, if any, to be paid by such county; or (b) the court
3 may, after notice and hearing, assess the cost of such
4 consultation, if any, in whole or in part to the parents of the
5 juvenile. The ability of the parents to pay and the amount of the
6 payment shall be determined by the court by appropriate
7 examination.

8 Sec. 22. Section 43-276, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 43-276. In cases coming within subdivision (1) of
11 section 43-247, when there is concurrent jurisdiction, or
12 subdivision (2) or (4) of section 43-247, when the juvenile is
13 under the age of sixteen years, the county attorney shall, in
14 making the determination whether to file a criminal charge,
15 juvenile court petition, or mediation referral, consider: (1) The
16 type of treatment such juvenile would most likely be amenable to;
17 (2) whether there is evidence that the alleged offense included
18 violence or was committed in an aggressive and premeditated manner;
19 (3) the motivation for the commission of the offense; (4) the age
20 of the juvenile and the ages and circumstances of any others
21 involved in the offense; (5) the previous history of the juvenile,
22 including whether he or she had been convicted of any previous
23 offenses or adjudicated in juvenile court, and, if so, whether such
24 offenses were crimes against the person or relating to property,
25 and other previous history of antisocial behavior, if any,
26 including any patterns of physical violence; (6) the sophistication
27 and maturity of the juvenile as determined by consideration of his
28 or her home, school activities, emotional attitude and desire to be

1 treated as an adult, pattern of living, and whether he or she has
2 had previous contact with law enforcement agencies and courts and
3 the nature thereof; (7) whether there are facilities particularly
4 available to the juvenile court for treatment and rehabilitation of
5 the juvenile; (8) whether the best interests of the juvenile and
6 the security of the public may require that the juvenile continue
7 in ~~custody~~ secure detention or under supervision for a period
8 extending beyond his or her minority and, if so, the available
9 alternatives best suited to this purpose; (9) whether the victim
10 agrees to participate in mediation; and (10) such other matters as
11 the county attorney deems relevant to his or her decision.

12 Sec. 23. Section 43-284, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-284. When any juvenile is adjudged to be under
15 subdivision (3) or (4) of section 43-247, the court may permit such
16 juvenile to remain in his or her own home subject to supervision or
17 may make an order committing the juvenile to (1) the care of some
18 suitable institution, (2) inpatient or outpatient treatment at a
19 mental health facility or mental health program, (3) the care of
20 some reputable citizen of good moral character, (4) the care of
21 some association willing to receive the juvenile embracing in its
22 objects the purpose of caring for or obtaining homes for such
23 juveniles, which association shall have been accredited as provided
24 in section 43-296, (5) the care of a suitable family, or (6) the
25 care and custody of the Department of Health and Human Services.

26 Under subdivision (1), (2), (3), (4), or (5) of this
27 section, upon a determination by the court that there are no
28 parental, private, or other public funds available for the care,

1 custody, education, treatment, and maintenance of a juvenile, the
2 court may order a reasonable sum for the care, custody, education,
3 treatment, and maintenance of the juvenile to be paid ~~out of a fund~~
4 ~~which shall be appropriated annually by~~ by the Office of Juvenile
5 Services or, if after January 1, 2003, the county where the
6 petition is filed does not have a juvenile services plan as
7 required by section 4 of this act, such county shall pay the costs.
8 Such payments shall be made until suitable provisions may be made
9 for the juvenile without such payment.

10 ~~The amount to be paid by a county for education pursuant~~
11 ~~to this section shall not exceed the average cost for education of~~
12 ~~a public school student in the county in which the juvenile is~~
13 ~~placed and shall be paid only for education in kindergarten through~~
14 ~~grade twelve.~~

15 The court may enter a dispositional order removing a
16 juvenile from his or her home upon a written determination that
17 continuation in the home would be contrary to the health, safety,
18 or welfare of such juvenile and that reasonable efforts to preserve
19 and reunify the family have been made if required under section
20 43-283.01.

21 Orders under this section shall take into account the
22 results of a risk assessment as provided in section 15 of this act.

23 Sec. 24. Section 43-286, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-286. (1) When any juvenile is adjudicated to be a
26 juvenile described in subdivision (1), (2), or (4) of section
27 43-247:

28 (a) The court may continue the dispositional portion of

1 the hearing, from time to time upon such terms and conditions as
2 the court may prescribe, including an order of restitution of any
3 property stolen or damaged or an order requiring the juvenile to
4 participate in community service programs, if such order is in the
5 interest of the juvenile's reformation or rehabilitation, and,
6 subject to the further order of the court, may:

7 (i) Place the juvenile on probation subject to the
8 supervision of a probation officer;

9 (ii) Permit the juvenile to remain in his or her own
10 home, subject to the supervision of the probation officer; or

11 (iii) Cause the juvenile to be placed in a suitable
12 family home or institution, subject to the supervision of the
13 probation officer. If the court has committed the juvenile to the
14 care and custody of the Department of Health and Human Services,
15 the department shall pay the costs of the suitable family home or
16 institution which are not otherwise paid by the juvenile's parents.

17 Under subdivision (1)(a) of this section, upon a
18 determination by the court that there are no parental, private, or
19 other public funds available for the care, custody, and maintenance
20 of a juvenile, the court may order a reasonable sum for the care,
21 custody, and maintenance of the juvenile to be paid ~~out of a fund~~
22 ~~which shall be appropriated annually by~~ by the Office of Juvenile
23 Services or, if after January 1, 2003, the county where the
24 petition is filed does not have a juvenile services plan as
25 required by section 4 of this act, the court shall order such sums
26 to be paid by the county. Such sums shall be paid until a suitable
27 provision may be made for the juvenile without such payment; or

28 (b) The court may commit such juvenile to the Office of

1 Juvenile Services, but a juvenile under the age of twelve years
2 shall not be placed at the Youth Rehabilitation and Treatment
3 Center-Geneva or the Youth Rehabilitation and Treatment
4 Center-Kearney unless he or she has violated the terms of probation
5 or has committed an additional offense and the court finds that the
6 interests of the juvenile and the welfare of the community demand
7 his or her commitment. This minimum age provision shall not apply
8 if the act in question is murder or manslaughter.

9 (2) When any juvenile is found by the court to be a
10 juvenile described in subdivision (3)(b) of section 43-247, the
11 court may enter such order as it is empowered to enter under
12 subdivision (1)(a) of this section or enter an order committing or
13 placing the juvenile to the care and custody of the Department of
14 Health and Human Services.

15 (3) Beginning July 15, 1998, when any juvenile is
16 adjudicated to be a juvenile described in subdivision (1), (2),
17 (3)(b), or (4) of section 43-247 because of a nonviolent act or
18 acts and the juvenile has not previously been adjudicated to be
19 such a juvenile because of a violent act or acts, the court may,
20 with the agreement of the victim, order the juvenile to attend
21 juvenile offender and victim mediation with a mediator or at an
22 approved center selected from the roster made available pursuant to
23 section 25-2908.

24 (4)(a) When a juvenile is placed on probation or under
25 the supervision of the court and it is alleged that the juvenile is
26 again a juvenile described in subdivision (1), (2), (3)(b), or (4)
27 of section 43-247, a petition may be filed and the same procedure
28 followed and rights given at a hearing on the original petition.

1 If an adjudication is made that the allegations of the petition are
2 true, the court may make any disposition authorized by this section
3 for such adjudications.

4 (b) When a juvenile is placed on probation or under the
5 supervision of the court for conduct under subdivision (1), (2),
6 (3)(b), or (4) of section 43-247 and it is alleged that the
7 juvenile has violated a term of probation or supervision or that
8 the juvenile has violated an order of the court, a motion to revoke
9 probation or supervision or to change the disposition may be filed
10 and proceedings held as follows:

11 (i) The motion shall set forth specific factual
12 allegations of the alleged violations and a copy of such motion
13 shall be served on all persons required to be served by sections
14 43-262 to 43-267;

15 (ii) The juvenile shall be entitled to a hearing before
16 the court to determine the validity of the allegations. At such
17 hearing the juvenile shall be entitled to those rights relating to
18 counsel provided by section 43-272 and those rights relating to
19 detention provided by sections 43-254 to 43-256. The juvenile
20 shall also be entitled to speak and present documents, witnesses,
21 or other evidence on his or her own behalf. He or she may confront
22 persons who have given adverse information concerning the alleged
23 violations, may cross-examine such persons, and may show that he or
24 she did not violate the conditions of his or her probation or, if
25 he or she did, that mitigating circumstances suggest that the
26 violation does not warrant revocation. The revocation hearing
27 shall be held within a reasonable time after the juvenile is taken
28 into custody;

1 (iii) The hearing shall be conducted in an informal
2 manner and shall be flexible enough to consider evidence, including
3 letters, affidavits, and other material, that would not be
4 admissible in an adversarial criminal trial;

5 (iv) The juvenile shall be given a preliminary hearing in
6 all cases when the juvenile is confined, detained, or otherwise
7 significantly deprived of his or her liberty as a result of his or
8 her alleged violation of probation. Such preliminary hearing shall
9 be held before an impartial person other than his or her probation
10 officer or any person directly involved with the case. If as a
11 result of such preliminary hearing probable cause is found to
12 exist, the juvenile shall be entitled to a hearing before the court
13 in accordance with this subsection;

14 (v) If the juvenile is found by the court to have
15 violated the terms of his or her probation, the court may modify
16 the terms and conditions of the probation order, extend the period
17 of probation, or enter any order of disposition that could have
18 been made at the time the original order of probation was entered;
19 and

20 (vi) In cases when the court revokes probation, it shall
21 enter a written statement as to the evidence relied on and the
22 reasons for revocation.

23 (5) Orders under this section shall take into account the
24 results of a risk assessment as provided in section 15 of this act.

25 Sec. 25. Section 43-290, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 43-290. It is the purpose of this section to promote
28 parental responsibility and to provide for the most equitable use

1 and availability of public money.

2 Pursuant to the petition filed by the county attorney or
3 any reputable person in accordance with section 43-274, whenever
4 the care or custody of a juvenile is given by the court to someone
5 other than his or her parent, which shall include placement with a
6 state agency, or when a juvenile is given medical, psychological,
7 or psychiatric study or treatment under order of the court, the
8 court shall make a determination of support to be paid by a parent
9 for the juvenile at the same proceeding at which placement, study,
10 or treatment is determined or at a separate proceeding. Such
11 proceeding, which may occur prior to, at the same time as, or
12 subsequent to adjudication, shall be in the nature of a disposition
13 hearing.

14 At such proceeding, after summons to the parent of the
15 time and place of hearing served as provided in sections 43-262 to
16 43-267, the court may order and decree that the parent shall pay,
17 in such manner as the court may direct, a reasonable sum that will
18 cover in whole or part the support, study, and treatment of the
19 juvenile, which amount ordered paid shall be the extent of the
20 liability of the parent. The court in making such order shall give
21 due regard to the cost of study, treatment, and maintenance of the
22 juvenile, the ability of the parent to pay, and the availability of
23 money for the support of the juvenile from previous judicial
24 decrees, social security benefits, veterans benefits, or other
25 sources. Support thus received by the court shall be transmitted
26 to the person, agency, or institution having financial
27 responsibility for such study, treatment, or maintenance and, if a
28 state agency or institution, remitted by such state agency or

1 institution quarterly to the Director of Administrative Services
2 for credit to the proper fund.

3 Whenever medical, psychological, or psychiatric study or
4 treatment is ordered by the court, whether or not the juvenile is
5 placed with someone other than his or her parent, or if such study
6 or treatment is otherwise provided as determined necessary by the
7 custodian of the juvenile, the court shall inquire as to the
8 availability of insured or uninsured health care coverage or
9 service plans which include the juvenile. The court may order the
10 parent to pay over any plan benefit sums received on coverage for
11 the juvenile. The payment of any deductible under the health care
12 benefit plan covering the juvenile shall be the responsibility of
13 the parent. If the parent willfully fails or refuses to pay the
14 sum ordered or to pay over any health care plan benefit sums
15 received, the court may proceed against him or her as for contempt,
16 either on the court's own motion or on the motion of the county
17 attorney or authorized attorney as provided in section 43-512, or
18 execution shall issue at the request of any person, agency, or
19 institution treating or maintaining such juvenile. The court may
20 afterwards, because of a change in the circumstances of the
21 parties, revise or alter the order of payment for support, study,
22 or treatment.

23 If the juvenile has been committed to the care and
24 custody of the Department of Health and Human Services, the
25 department shall pay the costs for the support, study, or treatment
26 of the juvenile which are not otherwise paid by the juvenile's
27 parent.

28 If no provision is otherwise made by law for the support

1 or payment for the study or treatment of the juvenile, compensation
2 for the ~~study or~~ support, study, and treatment shall be paid, when
3 approved by an order of the court, by the Office of Juvenile
4 Services. The county shall not be liable for any costs for the
5 support, study, or treatment of a juvenile pursuant to this
6 section, except that if after January 1, 2003, the county does not
7 have a juvenile services plan as required by section 4 of this act,
8 the court shall order the county to pay such costs. ~~out of a fund~~
9 ~~which shall be appropriated by the county in which the petition is~~
10 ~~filed.~~

11 The juvenile court shall retain jurisdiction over a
12 parent ordered to pay support for the purpose of enforcing such
13 support order for so long as such support remains unpaid but not to
14 exceed ten years from the nineteenth birthday of the youngest child
15 for whom support was ordered.

16 Sec. 26. Section 43-2,101, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 43-2,101. Unless otherwise ordered by the court pursuant
19 to section 43-290, ~~each county~~ the state shall bear all the
20 expenses incident to the transportation of each juvenile ~~from such~~
21 ~~county~~ to the Department of Health and Human Services, together
22 with such fees and costs as are allowed by law in similar cases,
23 except that if after January 1, 2003, a county does not have a
24 juvenile services plan as required by section 4 of this act, the
25 county shall pay transportation expenses for each juvenile from
26 such county. ~~The fees, costs, and expenses shall be paid from the~~
27 ~~county treasury upon itemized vouchers certified by the judge of~~
28 ~~the juvenile court.~~

1 Sec. 27. Section 43-2,129, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-2,129. Sections 43-245 to 43-2,129 and sections 14
4 and 15 of this act shall be known and may be cited as the Nebraska
5 Juvenile Code.

6 Sec. 28. Section 43-403, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 43-403. For purposes of the Health and Human Services,
9 Office of Juvenile Services Act:

10 (1) Aftercare means the control, supervision, and care
11 exercised over juveniles who have been paroled;

12 (2) Committed means an order by a court committing a
13 juvenile to the care and custody of the Office of Juvenile Services
14 for treatment;

15 (3) Community supervision means the control, supervision,
16 and care exercised over juveniles committed to the Office of
17 Juvenile Services when a commitment to the level of treatment of
18 secure detention in a youth rehabilitation and treatment center has
19 not been ordered by the court;

20 (4) Evaluation means assessment of the juvenile's social,
21 physical, psychological, and educational development and needs,
22 including a recommendation as to an appropriate treatment plan;

23 (5) Parole means a conditional release of a juvenile from
24 a youth rehabilitation and treatment center to aftercare or
25 transferred to Nebraska for parole supervision by way of interstate
26 compact;

27 (6) Placed for evaluation means a placement with the
28 Office of Juvenile Services or the Department of Health and Human

1 Services for purposes of an evaluation of the juvenile; and

2 (7) Treatment means type of supervision, detention, care,
3 confinement, and rehabilitative services for the juvenile.

4 Sec. 29. Section 43-413, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 43-413. (1) A court may, pursuant to section 43-281,
7 place a juvenile with the Office of Juvenile Services or the
8 Department of Health and Human Services for an evaluation to aid
9 the court in the disposition.

10 (2) A juvenile convicted as an adult shall be placed with
11 the Office of Juvenile Services for evaluation prior to sentencing
12 as provided by subsection (3) of section 29-2204.

13 (3) All juveniles shall be evaluated prior to commitment
14 to the Office of Juvenile Services. The office may place a
15 juvenile in residential or nonresidential community-based
16 evaluation services for purposes of evaluation to assist the court
17 in determining the initial level of treatment for the juvenile.

18 (4) ~~All costs~~ Costs incurred during the period in which
19 the juvenile is being evaluated at a state facility or a program
20 funded by the Office of Juvenile Services shall be paid as provided
21 in section 43-258. ~~are the responsibility of the state unless~~
22 ~~otherwise ordered by the court pursuant to section 43-290.~~

23 Sec. 30. Section 43-2412, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-2412. (1) Consistent with the purposes and objectives
26 of the Juvenile Services Act, the committee shall:

27 (a) Make recommendations to the commission on the
28 awarding of grants to eligible applicants with plans;

1 (b) Develop a uniform system of reporting and collecting
2 statistical data from eligible applicants and other participants in
3 the plan;

4 (c) Develop or contract for the development of a
5 statewide system to monitor and evaluate the effectiveness of plans
6 provided under the act in preventing persons from entering the
7 juvenile justice system and in rehabilitating juvenile offenders;

8 (d) Recommend guidelines and supervision procedures to be
9 used ~~for the~~ to develop or expand local diversion of programs for
10 juveniles from the juvenile justice system;

11 (e) Prepare an annual report to the Governor and the
12 Legislature on the criteria, recommendations, and guidelines
13 developed under this section, including recommendations on
14 administrative and legislative actions which would improve the
15 juvenile justice system;

16 (f) Ensure widespread citizen involvement in all phases
17 of its work; and

18 (g) Meet at least once every three months.

19 (2) Consistent with the purposes and objectives of the
20 act and within the limits of available time and appropriations, the
21 committee may:

22 (a) Recommend criteria for administrative procedures,
23 including, but not limited to, procedures for intake, detention,
24 petition filing, and probation supervision;

25 (b) Recommend minimum professional standards, including
26 requirements for continuing professional training, for employees of
27 community-based, youth-serving agencies;

28 (c) Recommend curricula for and cause to have conducted

1 training sessions for juvenile court judges and employees of other
2 community-based, youth-serving agencies;

3 (d) Assist and advise state and local agencies in the
4 establishment of volunteer training programs and the utilization of
5 volunteers;

6 (e) Apply for and receive funds from federal and private
7 sources for carrying out its powers and duties; and

8 (f) Provide consultation services or technical assistance
9 to eligible applicants.

10 (3) In formulating, adopting, and promulgating the
11 standards, recommendations, and guidelines provided for in this
12 section, the committee shall consider the differences among
13 counties in population, in geography, and in the availability of
14 local resources.

15 Sec. 31. Section 83-4,125, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 83-4,125. For purposes of sections 83-4,124 to 83-4,134:

18 (1) Criminal detention facility shall mean any
19 institution operated by a political subdivision or a combination of
20 political subdivisions for the careful keeping or rehabilitative
21 needs of adult or juvenile criminal offenders or those persons
22 being detained while awaiting disposition of charges against them.
23 Criminal detention facility shall not include any institution
24 operated by the Department of Correctional Services. Criminal
25 detention facilities shall be classified as follows:

26 (a) Type I Facilities shall mean criminal detention
27 facilities used for the detention of persons for not more than
28 twenty-four hours, excluding holidays and weekends;

1 (b) Type II Facilities shall mean criminal detention
2 facilities used for the detention of persons for not more than
3 ninety-six hours, excluding holidays and weekends; and

4 (c) Type III Facilities shall mean criminal detention
5 facilities used for the detention of persons beyond ninety-six
6 hours; and

7 (2) Juvenile detention facility shall mean an institution
8 operated by a political subdivision or political subdivisions for
9 the secure ~~custody~~ detention and treatment of persons younger than
10 eighteen years of age, including persons under the jurisdiction of
11 a juvenile court, who are serving a sentence pursuant to a
12 conviction in a county or district court or who are detained while
13 waiting disposition of charges against them. Juvenile detention
14 facility shall not include any institution operated by the
15 department.

16 Sec. 32. Sections 19, 21, 23 to 26, and 33 of this act
17 become operative on July 1, 2000. The other sections of this act
18 become operative three calendar months after the adjournment of
19 this legislative session.

20 Sec. 33. Original sections 43-258, 43-272.01, 43-284,
21 43-286, 43-290, and 43-2,101, Reissue Revised Statutes of Nebraska,
22 are repealed.

23 Sec. 34. Original sections 43-245, 43-250, 43-251,
24 43-251.01, 43-253, 43-254, 43-259, 43-276, 43-2,129, 43-403,
25 43-413, 43-2412, and 83-4,125, Reissue Revised Statutes of
26 Nebraska, are repealed.

27 Sec. 35. Since an emergency exists, this act takes
28 effect when passed and approved according to law.